

Message Text

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C O N F I D E N T I A L SECTION 01 OF 02 GENEVA 00364

E.O. 11652: GDS

TAGS: SHUM

SUBJ: 34TH SESSION HUMAN RIGHTS COMMISSION: WESTERN

EUROPE AND OTHERS (WEO'S) MEETING

1. NINE OF THE WESTERN GROUP (SWEDEN, CANADA, U.K., AUSTRIA, AUSTRALIA, BELGIUM, DENMARK, U.S.) ATTENDED A LUNCHEON HOSTED BY THE NETHERLANDS JANUARY 10 TO DISCUSS THE 34TH SESSION OF THE HUMAN RIGHTS COMMISSION. NIAL MACDERMOT OF THE INTERNATIONAL COMMISSION OF JURISTS (ICJ) ALSO A LUNCHEON GUEST, JOINED THE GROUP IN ANALYZING SEVERAL OF THE CRUCIAL ISSUES WHICH WILL BE CONSIDERED AT THE HR SESSION BEGINNING FEBRUARY 6. FOLLOWING ARE THE TOPICS DISCUSSED DURING THE MEETING.

2. CONVENTION AGAINST TORTURE: MACDERMOT REPORTED THAT IN HIS OPINION THE DRAFT CONVENTION AGAINST TORTURE PREPARED BY THE INTERNATIONAL ASSOCIATION OF PENAL LAW (77 GENEVA 12659) HAS LITTLE CHANCE OF ADOPTION BY THE HRC SINCE IT SETS FORTH THE PRINCIPLE THAT TORTURE IS AN INTERNATIONAL CRIME. HE EXPRESSED THE VIEW THAT THE SWEDISH DRAFT BASED ON THE 1975 DECLARATION AGAINST TORTURE WOULD HAVE A BETTER CHANCE OF SUCCESS BUT IN

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LONG RUN WOULD WEAKEN DECLARATION IF ADOPTED SINCE THOSE STATES NOT RATIFYING CONVENTION WOULD APPEAR TO BE OPPOSED TO THE DECLARATION AS WELL. MACDERMOT BELIEVES THAT NEITHER DRAFT WILL BE ADOPTED AT THE 34TH SESSION BUT FEELS THE SWEDISH DOCUMENT, BEFORE GETTING BOGGED DOWN IN ORATORY, SHOULD BE REFERRED TO THE SUB-COMMISSION FOR REDRAFTING. CONSIDERATION OF THE FINISHED PRODUCT

COULD BE TAKEN UP BY THE HRC IN 1980. MACDERMOT ALSO EXPRESSED THE HOPE THAT THE DRAFT BODY OF PRINCIPLES ON DETENTION (BEING PREPARED BY THE SUB-COMMISSION) AND THE CONVENTION WOULD COMPLEMENT EACH OTHER SINCE BOTH WILL DEAL WITH THE SAME ISSUES ALTHOUGH THE PRINCIPLES COVER A BROADER AREA.

3. PUBLIC AND CONFIDENTIAL PROCEDURES FOR EXAMINING ALLEGATION OF HUMAN RIGHTS: FRANK CHANDLER (CANADA) EXPRESSED PESSIMISTIC VIEW ABOUT POSSIBILITY OF HRC CONSIDERING THIS ITEM DURING ITS UPCOMING SESSION SINCE AS OF JANUARY 10 ONLY THREE REPLIES TO THE SYG'S NOTE HAD BEEN RECEIVED. EVEN IF ADDITIONAL STATEMENTS ARE FORWARDED TO THE HRD, CHANDLER BELIEVES THAT TRANSLATION AND PRINTING WILL CONSUME SO MUCH TIME THAT ITEM WILL PROBABLY BE DEFERRED UNTIL 35TH HRC SESSION. ON THE SLIM CHANCE THAT ITEM WILL BE DEBATED WEO'S AGREED THAT STRONGEST ARGUMENT WOULD BE TO STRESS THAT ACTION ON COMMUNICATIONS UNDER RESOLUTION 1503 ARE CONFIDENTIAL, BUT THE SITUATION IN THE PARTICULAR COUNTRY IS NOT CONFIDENTIAL AND CAN, THEREFORE, BE DISCUSSED PUBLICLY.

4. HIGH COMMISSIONER FOR HUMAN RIGHTS: IT WAS NOTED THAT SENEGAL STRONGLY SUPPORTS THE ESTABLISHMENT OF HIGH COMMISSIONER POST -- PROBABLY BECAUSE M'BAYE WOULD LIKE TO BE HIGH COMMISSIONER. IT WAS TENTATIVELY AGREED THAT, IT MIGHT BE GOOD STRATEGY TO ENCOURAGE THE AFRICANS TO PUSH CONFIDENTIAL

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FOR THE HIGH COMMISSIONER. THE LEAD COUNTRY SHOULD BE THE IVORY COAST WHICH WOULD HAVE THE STRONG SUPPORT OF SENEGAL. THE TWO MIGHT BE ABLE TO BRING OTHER AFRICANS (NIGERIA, LESOTHO, RWANDA) ALONG AND ALSO PICK UP ENOUGH NON-ALIGNED VOTES TO SEND THE PROPOSAL BACK TO THE GENERAL ASSEMBLY. OTHER QUESTIONS WHICH CONTINUE TO REVOLVE AROUND THE HIGH COMMISSIONER ROLE WERE RAISED BUT NOT RESOLVED, I.E., WOULD COMMUNICATIONS BE SENT TO THE HIGH COMMISSIONER, THE HUMAN RIGHTS COMMITTEE, OR CONTINUE TO BE DEALT WITH UNDER RESOLUTION 1503?

5. SUB-COMMISSION ELECTIONS: SEVERAL MEMBERS ATTENDING MEETING EXPRESSED THE VIEW THAT THE DEBATE AND ELECTIONS TO THE SUB-COMMISSION COULD BE EXTENSIVE AND WASTE VALUABLE TIME IF MEMBERS ARE ALLOWED TO SPEAK IN FAVOR OF THEIR CANDIDATES. SOME MEMBER STATES WANT TO SUBVERT THE SUB-COMMISSION BY "PACKING" IT WITH "GOVERNMENT" RATHER THAN INDEPENDENT EXPERTS. IT WAS RECOMMENDED THAT WEO'S WORK TO PREVENT THIS KIND OF INFILTRATION WHICH WOULD RENDER THE SUB-COMMISSION INEFFECTIVE.

6. UGANDA: DURING THE 33RD HRC SESSION M'BAYE (SENEGAL)

ASSURED SEVERAL DELS THAT AFRICANS WOULD DO SOMETHING ABOUT UGANDA THIS YEAR. HOWEVER, THE LOW PROFILE OF UGANDA IN RECENT MONTHS MIGHT LEAD AFRICANS TO CONCLUSION THAT NOTHING SHOULD BE DONE REGARDING UGANDA. WEO'S FELT THAT THE NORDIC WITHDRAWAL OF ITS RES ON UGANDA WAS A MISTAKE AND LEFT THE AFRICANS FREE TO IGNORE THE ISSUE. THE PROPOSAL FOR REGIONAL HUMAN RIGHTS COMMISSIONS MAY NOT BE ACCEPTABLE TO SOME REGIONS (I.E., ASIA) CAUSING THAT PROPOSAL TO GO UNIMPLEMENTED. A PROPOSAL BY MACDERMOT, WHICH THE GROUP APPEARED TO ACCEPT, RECOMMENDS THAT IF THE COMMISSION OPTS TO IGNORE THE UGANDA SITUA-

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TION UNDER RES 1503, THEN WEO'S SHOULD RAISE THE ISSUE UNDER RES 1235. MACDERMOT ALSO EXPRESSED HIS VIEW THAT 1503 SHOULD BE DISCARDED IF IT IS NOT IMPLEMENTED THIS SESSION.

7. CAMBODIA: U.K. REP (MAC INNES) SAID THAT HIS GOVERNMENT WILL RAISE THE ISSUE OF CAMBODIA. IT WAS SUGGESTED THAT DISCUSSION TAKE PLACE UNDER AGENDA ITEM 12 AND DURING THE INTERVENTION U.K. SHOULD REQUEST THAT THE HRC ASK THE CAMBODIAN GOVERNMENT TO PERMIT AN INVESTIGATION OF REPORTS OF CAMBODIAN REFUGEES THAT HUMAN RIGHTS VIOLATIONS ARE OCCURRING IN THE COUNTRY. WHEN QUESTION AROSE ABOUT OTHER WEO'S SPEAKING ABOUT CAMBODIA, CANADA SUGGESTED IT WOULD BE UNWISE FOR THE U.S. TO INTERVENE ON THIS TOPIC.

8. RELIGIOUS INTOLERANCE: CANADIAN REP MADE PLEA FOR KEEPING RELIGIOUS INTOLERANCE ITEM ALIVE. HE SAID HEAD

OF HIS DELEGATION (BEAULNE) WOULD BE WILLING TO SERVE AS CHAIRMAN AGAIN THIS YEAR.

9. WESTERN BUREAU MEMBER: WHEN ASKED IF BEAULNE WAS WILLING TO SERVE AS VICE CHAIRMAN, CHANDLER NOTED CONFIDENTIAL

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THAT CANADA IS UP FOR RE-ELECTION TO THE COMMISSION THIS YEAR AND WOULD PROBABLY LOSE TO AN EC-9 COUNTRY. UNDER THE ROTATION PROCESS THE WESTERN VICE CHAIRMAN AT THE 34TH HRC SESSION WILL SERVE AS THE CHAIRMAN OF THE 35TH SESSION. SINCE IT IS NOT LIKELY THAT CANADA WILL BE RE-ELECTED, CHANDLER FEELS THAT THE GOC SHOULD NOT ACCEPT THE VIC-CHAIRMANSHIP THIS YEAR. CHANDLER IS OPPOSED TO HAVING THE U.K. (AS A SECURITY COUNCIL MEMBER) ASSUME THE POSITION. THE CANADIANS HAVE AGREED TO ARRANGE FOR THE FIRST MEETING OF THE WEO'S AT 10:00 A.M. FEBRUARY 6. IT IS ALSO POSSIBLE THAT THE CANADIANS WILL ACCEPT ROLE OF CHAIRMAN OF WESTERN GROUP AT THAT SESSION. DURING COURSE OF MEETING BOTH U.S. AND CANADIANS REQUESTED THE EC-9 TO CIRCULATE THEIR INITIATIVES EARLY SO THAT DISCUSSIONS CAN BE HELD AND STRATEGIES DEVELOPED AMONG ALL THE WEO'S AND LIKE-MINDED.

10. THE U.S. WILL HOST A WEO MEETING FEBRUARY 1 WHERE ISSUES OF THE NUMBER OF UNOFFICIAL WORKING GROUPS WILL BE DISCUSSED. IT IS HOPED THAT BY THAT TIME SEVERAL MISSIONS WILL HAVE DISCUSSED THE AGENDA WITH M'BAYE AND WILL HAVE WORKED OUT AN ARRANGEMENT WHERE PRIORITY ITEMS CAN BE DISCUSSED AT THE BEGINNING OF THE SESSION.
VANDEN HEUVEL

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